

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,

Plaintiff,

v.

**Civil Action 2:20-cv-3755
Judge Edmund A. Sargus
Magistrate Judge Jolson**

FIRSTENERGY CORP. et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court on Plaintiffs’ Motion to Amend Consolidated Class Action Complaint (Doc. 69). Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that when a party seeks leave of court to file an amended pleading, “[t]he court should freely give leave when justice so requires.” This rule, which allows a liberal policy in favor of granting amendments, “reinforce[s] the principle that cases ‘should be tried on their merits rather than the technicalities of pleadings.’” *Inge v. Rock Fin. Corp.*, 388 F.3d 930, 936 (6th Cir. 2004) (quoting *Moore v. City of Paducah*, 790 F.2d 557, 559 (6th Cir. 1986)). Thus, the trial court enjoys broad discretion in deciding motions for leave to amend. *See Gen. Elec. Co. v. Sargent & Lundy*, 916 F.2d 1119, 1130 (6th Cir. 1990).

The parties do not dispute that Plaintiffs should be given leave to amend their complaint. (Docs. 69, 71, 72). Yet, Plaintiffs initially raised (Doc. 69 at 2), then withdrew (Doc. 72 at 2), a condition that amendment be granted only if Defendants were denied the opportunity to file a motion to dismiss the amended pleading. Of course, the Federal Rules of Civil Procedure will govern Defendants’ filing of responsive pleadings.

For good cause shown, the Motion to Amend Consolidated Class Action Complaint (Doc.

69) is **GRANTED**. The Clerk is **DIRECTED** to file (Doc. 69-1) as the Amended Consolidated Class Action Complaint.

IT IS SO ORDERED.

Date: November 10, 2021

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE